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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,783

02/09/2006

Michiko Morita

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EXAMINER

CIRIC, LJILJANA V

ART UNIT

PAPER NUMBER

3744

MAIL DATE

DELIVERY MODE

11/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,783	Applicant(s) MORITA, MICHIKO	
	Examiner Ljiljana (Lil) V. Ciric	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/09/2006, 10/21/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of the first species or the embodiment of Figure 2 (readable on claims 1 through 5, 7 through 16, and 18 through 24) in the reply filed on June 24, 2009 is acknowledged.
2. Claims 6 and 17 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to the non-elected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 26, 2009.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/GB05/000950, filed on March 11, 2005.

Drawings

5. The drawings were received on February 9, 2006. These drawings are hereby approved.

Specification

6. The abstract of the disclosure is objected to because it uses idiomatically improper and/or non-standard terminology. In particular, the abstract appears to try to refer to cooling fluid(s) or cooling flow(s) as "cooling body" and "cooling bodies", respectively, but the latter terms misleadingly imply that structural elements are being referred to thereby. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claims 1 through 5, 7 through 16, and 18 through 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and contain grammatical and/or idiomatic errors.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "cooling body" and "cooling bodies" recited throughout the claims appears to be used by the claims to mean "cooling fluid" and "cooling fluids" (or, alternately, perhaps "cooling flow" and "cooling flows"), respectively, while the accepted meaning is "cooling structure(s)" or "cooling element(s)". The term is indefinite because the specification does not clearly redefine the term.

With regard to claim 7 as written, it is not clear whether or not each of a vehicle air conditioning unit, a vehicle fuel cell, and a vehicle drive motor is being positively recited by the claim or is merely recited as part of an intended use clause.

With regard to claim 18 as written, it is not clear whether or not each of a vehicle air conditioning unit and a vehicle fuel cell is being positively recited by the claim or is merely recited as part of an intended use clause. Also, there is insufficient antecedent basis in the claims for the limitations "the second cooling means" [claim 18, line 4] and "the third cooling means" [claim 18, line 5].

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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10. As best can be understood in view of the indefiniteness of the claims, claims 1, 2, 4, 5, 7, 15, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dankowski (made of record via IDS).

Dankowski discloses a vehicular heat exchanger with at least three distinct fluid flows therethrough essentially as claimed, including, for example: a first heat exchanger or radiator 40 and a second heat exchanger 10 disposed parallel and adjacent to each other. See Figure 4, for example.

The reference thus reads on the claims.

11. Alternately and as best can be understood in view of the indefiniteness of the claims, claims 1 through 5, 7, 12 through 16, 18, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al.

Nakamura et al. discloses a vehicular heat exchanger with at least three distinct fluid flows therethrough essentially as claimed, including, for example: a first heat exchanger or radiator 23 and a second heat exchanger or condenser 21 disposed parallel and adjacent to each other, with the areas of the first heat radiating area disposed on a first face of the first heat exchanger or radiator 23 is substantially the same as the combined areas of the second and third heat radiating areas disposed on a first face of the second heat exchanger or condenser 21, the first faces being arranged to receive an airflow. See Figure 1, for example.

The reference thus reads on the claims.

Allowable Subject Matter

12. Claims 8 through 13 and 19 through 22 would be allowable if rewritten without broadening to overcome the rejections under 35 U.S.C. 112, 2nd paragraph, (including clearly and positively reciting each of the vehicle air conditioning unit, the vehicle fuel cell, and the vehicle drive motor in claim 7 from which claims 8 through 13 depend and of the vehicle air conditioning unit and the vehicle fuel cell in claim 18 from which claims 19 through 22 depend) as set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. This indication of allowable subject matter re

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Conclusion

13. The additional prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric whose telephone number is 571-272-4909. The examiner works a flexible work schedule but can normally be reached on most days during the work week between the hours of 10:30 a.m. and 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ljiljana (Lil) V. Ciric/

Primary Examiner, Art Unit 3744